

AN ACT concerning government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-615 as follows:

(20 ILCS 2605/2605-615 new)

Sec. 2605-615. Illinois Forensic Science Commission.

(a) Creation. There is created within the Illinois State Police the Illinois Forensic Science Commission.

(b) Duties and purpose. The Commission shall:

(1) Provide guidance to ensure the efficient delivery of forensic services and the sound practice of forensic science.

(2) Provide a forum for discussions between forensic science stakeholders to improve communication and coordination and to monitor the important issues impacting all stakeholders.

(3) Take a systems-based approach in reviewing all aspects of the delivery of forensic services and the sound practice of forensic science with the goal of reducing or eliminating the factors and inefficiencies that contribute to backlogs and errors, with a focus on education and

training, funding, hiring, procurement, and other aspects identified by the Commission.

(4) Review significant non-conformities with the sound practice of forensic science documented by each publicly funded forensic laboratory and offer recommendations for the correction thereof.

(5) Subject to appropriation, provide educational, research, and professional training opportunities for practicing forensic scientists, police officers, judges, State's Attorneys and Assistant State's Attorneys, Public Defenders, and defense attorneys comporting with the sound practice of forensic science.

(6) Collect and analyze information related to the impact of current laws, rules, policies, and practices on forensic crime laboratories and the practice of forensic science; evaluate the impact of those laws, rules, policies, and practices on forensic crime laboratories and the practice of forensic science; identify new policies and approaches, together with changes in science, and technology; and make recommendations for changes to those laws, rules, policies, and practices that will yield better results in the criminal justice system consistent with the sound practice of forensic science.

(7) Perform such other studies or tasks pertaining to forensic crime laboratories as may be requested by the General Assembly by resolution or the Governor, and

perform such other functions as may be required by law or as are necessary to carry out the purposes and goals of the Commission prescribed in this Section.

(8) Ensure that adequate resources and facilities are available for carrying out the changes proposed in legislation, rules, or policies and that rational priorities are established for the use of those resources. To do so, the Commission may prepare statements to the Governor and General Assembly identifying the fiscal and practical effects of proposed legislation, rules, or policy changes. Such statements may include, but are not limited to: the impact on present levels of staffing and resources; a professional opinion on the practical value of the change or changes; the increase or decrease the number of crime laboratories; the increase or decrease the cost of operating crime laboratories; the impact on efficiencies and caseloads; other information, including but not limited to, facts, data, research, and science relevant to the legislation, rule, or policy; the direct or indirect alteration in any process involving or used by crime laboratories of such proposed legislation, rules, or policy changes; an analysis of the impact, either directly or indirectly, on the technology, improvements, or practices of forensic analyses for use in criminal proceedings; together with the direct or indirect impact on headcount, space, equipment, instruments,

accreditation, the volume of cases for analysis, scientific controls, and quality assurance.

(c) Members. The Commission shall be composed of the Director of the Illinois State Police, or his or her designee, together with the following members appointed for a term of 4 years by the Governor with the advice and consent of the Senate:

(1) One crime laboratory director or administrator from each publicly funded forensic laboratory system.

(2) One member with experience in the admission of forensic evidence in trials from a statewide association representing prosecutors.

(3) One member with experience in the admission of forensic evidence in trials from a statewide association representing criminal defense attorneys.

(4) Three forensic scientists with bench work background from various forensic disciplines (e.g., DNA, chemistry, pattern evidence, etc.).

(5) One retired circuit court judge or associate circuit court judge with criminal trial experience, including experience in the admission of forensic evidence in trials.

(6) One academic specializing in the field of forensic sciences.

(7) One or more community representatives (e.g., victim advocates, innocence project organizations, sexual

assault examiners, etc.).

The Governor shall designate one of the members of the Commission to serve as the chair of the Commission. The members of the Commission shall elect from their number such other officers as they may determine. Members of the Commission shall serve without compensation, but may be reimbursed for reasonable expenses incurred in the performance of their duties from funds appropriated for that purpose.

(d) Subcommittees. The Commission may form subcommittees to study specific issues identified under paragraph (3) of subsection (b), including, but not limited to, subcommittees on education and training, procurement, funding and hiring. Ad hoc subcommittees may also be convened to address other issues. Such subcommittees shall meet as needed to complete their work, and shall report their findings back to the Commission. Subcommittees shall include members of the Commission, and may also include non-members such as forensic science stakeholders and subject matter experts.

(e) Meetings. The Commission shall meet quarterly, at the call of the chairperson. Facilities for meeting, whether remotely or in person, shall be provided for the Commission by the Illinois State Police.

(f) Reporting by publicly funded forensic laboratories. All State and local publicly funded forensic laboratory systems, including, but not limited to, the DuPage County Forensic Science Center, the Northeastern Illinois Regional

Crime Laboratory, and the Illinois State Police, shall annually provide to the Commission a report summarizing its significant non-conformities with the efficient delivery of forensic services and the sound practice of forensic science. The report will identify: each significant non-conformity or deficient method; how the non-conformity or deficient method was detected; the nature and extent of the non-conformity or deficient method; all corrective actions implemented to address the non-conformity or deficient method; and an analysis of the effectiveness of the corrective actions taken.

(g) Definition. As used in this Section, "Commission" means the Illinois Forensic Science Commission.

Section 10. The Code of Criminal Procedure of 1963 is amended by adding Sections 111-9 and 116-6 as follows:

(725 ILCS 5/111-9 new)

Sec. 111-9. Notification to forensic laboratories. Unless the Supreme Court shall by Rule provide otherwise, upon disposition, withdrawal, or dismissal of any charge, the State's Attorney shall promptly notify the forensic laboratory or laboratories in possession of evidence, reports, or other materials or information related to that charge. Notification may be given by any reasonable means under the circumstances, including, but not limited to, the Illinois State Police Laboratory Information Management System, email, or telephone.

Section 15. The Sexual Assault Evidence Submission Act is amended by changing Section 50 as follows:

(725 ILCS 202/50)

Sec. 50. Sexual assault evidence tracking system.

(a) On June 26, 2018, the Sexual Assault Evidence Tracking and Reporting Commission issued its report as required under Section 43. It is the intention of the General Assembly in enacting the provisions of this amendatory Act of the 101st General Assembly to implement the recommendations of the Sexual Assault Evidence Tracking and Reporting Commission set forth in that report in a manner that utilizes the current resources of law enforcement agencies whenever possible and that is adaptable to changing technologies and circumstances.

(a-1) Due to the complex nature of a statewide tracking system for sexual assault evidence and to ensure all stakeholders, including, but not limited to, victims and their designees, health care facilities, law enforcement agencies, forensic labs, and State's Attorneys offices are integrated, the Commission recommended the purchase of an electronic off-the-shelf tracking system. The system must be able to communicate with all stakeholders and provide real-time information to a victim or his or her designee on the status of the evidence that was collected. The sexual assault evidence tracking system must:

- (1) be electronic and web-based;
- (2) be administered by the Department of State Police;
- (3) have help desk availability at all times;
- (4) ensure the law enforcement agency contact information is accessible to the victim or his or her designee through the tracking system, so there is contact information for questions;
- (5) have the option for external connectivity to evidence management systems, laboratory information management systems, or other electronic data systems already in existence by any of the stakeholders to minimize additional burdens or tasks on stakeholders;
- (6) allow for the victim to opt in for automatic notifications when status updates are entered in the system, if the system allows;
- (7) include at each step in the process, a brief explanation of the general purpose of that step and a general indication of how long the step may take to complete;
- (8) contain minimum fields for tracking and reporting, as follows:
 - (A) for sexual assault evidence kit vendor fields:
 - (i) each sexual evidence kit identification number provided to each health care facility; and
 - (ii) the date the sexual evidence kit was sent to the health care facility.

(B) for health care facility fields:

(i) the date sexual assault evidence was collected; and

(ii) the date notification was made to the law enforcement agency that the sexual assault evidence was collected.

(C) for law enforcement agency fields:

(i) the date the law enforcement agency took possession of the sexual assault evidence from the health care facility, another law enforcement agency, or victim if he or she did not go through a health care facility;

(ii) the law enforcement agency complaint number;

(iii) if the law enforcement agency that takes possession of the sexual assault evidence from a health care facility is not the law enforcement agency with jurisdiction in which the offense occurred, the date when the law enforcement agency notified the law enforcement agency having jurisdiction that the agency has sexual assault evidence required under subsection (c) of Section 20 of the Sexual Assault Incident Procedure Act;

(iv) an indication if the victim consented for analysis of the sexual assault evidence;

(v) if the victim did not consent for analysis

of the sexual assault evidence, the date on which the law enforcement agency is no longer required to store the sexual assault evidence;

(vi) a mechanism for the law enforcement agency to document why the sexual assault evidence was not submitted to the laboratory for analysis, if applicable;

(vii) the date the law enforcement agency received the sexual assault evidence results back from the laboratory;

(viii) the date statutory notifications were made to the victim or documentation of why notification was not made; and

(ix) the date the law enforcement agency turned over the case information to the State's Attorney office, if applicable.

(D) for forensic lab fields:

(i) the date the sexual assault evidence is received from the law enforcement agency by the forensic lab for analysis;

(ii) the laboratory case number, visible to the law enforcement agency and State's Attorney office; and

(iii) the date the laboratory completes the analysis of the sexual assault evidence.

(E) for State's Attorney office fields:

(i) the date the State's Attorney office received the sexual assault evidence results from the laboratory, if applicable; and

(ii) the disposition or status of the case.

(a-2) The Commission also developed guidelines for secure electronic access to a tracking system for a victim, or his or her designee to access information on the status of the evidence collected. The Commission recommended minimum guidelines in order to safeguard confidentiality of the information contained within this statewide tracking system. These recommendations are that the sexual assault evidence tracking system must:

(1) allow for secure access, controlled by an administering body who can restrict user access and allow different permissions based on the need of that particular user and health care facility users may include out-of-state border hospitals, if authorized by the Department of State Police to obtain this State's kits from vendor;

(2) provide for users, other than victims, the ability to provide for any individual who is granted access to the program their own unique user ID and password;

(3) provide for a mechanism for a victim to enter the system and only access his or her own information;

(4) enable a sexual assault evidence to be tracked and identified through the unique sexual assault evidence kit

identification number or barcode that the vendor applies to each sexual assault evidence kit per the Department of State Police's contract;

(5) have a mechanism to inventory unused kits provided to a health care facility from the vendor;

(6) provide users the option to either scan the barcode or manually enter the sexual assault evidence kit number into the tracking program;

(7) provide a mechanism to create a separate unique identification number for cases in which a sexual evidence kit was not collected, but other evidence was collected;

(8) provide the ability to record date, time, and user ID whenever any user accesses the system;

(9) provide for real-time entry and update of data;

(10) contain report functions including:

(A) health care facility compliance with applicable laws;

(B) law enforcement agency compliance with applicable laws;

(C) law enforcement agency annual inventory of cases to each State's Attorney office; and

(D) forensic lab compliance with applicable laws;
and

(11) provide automatic notifications to the law enforcement agency when:

(A) a health care facility has collected sexual

assault evidence;

(B) unreleased sexual assault evidence that is being stored by the law enforcement agency has met the minimum storage requirement by law; and

(C) timelines as required by law are not met for a particular case, if not otherwise documented.

(b) The Department may ~~shall~~ develop rules to implement a sexual assault evidence tracking system that conforms with subsections (a-1) and (a-2) of this Section. The Department shall design the criteria for the sexual assault evidence tracking system so that, to the extent reasonably possible, the system can use existing technologies and products, including, but not limited to, currently available tracking systems. The sexual assault evidence tracking system shall be operational and shall begin tracking and reporting sexual assault evidence no later than one year after the effective date of this amendatory Act of the 101st General Assembly. The Department may adopt additional rules as it deems necessary to ensure that the sexual assault evidence tracking system continues to be a useful tool for law enforcement.

(c) A treatment hospital, a treatment hospital with approved pediatric transfer, an out-of-state hospital approved by the Department of Public Health to receive transfers of Illinois sexual assault survivors, or an approved pediatric health care facility defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act shall participate in

the sexual assault evidence tracking system created under this Section and in accordance with rules adopted under subsection (b), including, but not limited to, the collection of sexual assault evidence and providing information regarding that evidence, including, but not limited to, providing notice to law enforcement that the evidence has been collected.

(d) The operations of the sexual assault evidence tracking system shall be funded by moneys appropriated for that purpose from the State Crime Laboratory Fund and funds provided to the Department through asset forfeiture, together with such other funds as the General Assembly may appropriate.

(e) To ensure that the sexual assault evidence tracking system is operational, the Department may adopt emergency rules to implement the provisions of this Section under subsection (ff) of Section 5-45 of the Illinois Administrative Procedure Act.

(f) Information, including, but not limited to, evidence and records in the sexual assault evidence tracking system is exempt from disclosure under the Freedom of Information Act.

(Source: P.A. 101-377, eff. 8-16-19.)

Section 99. Effective date. This Act takes effect upon becoming law.